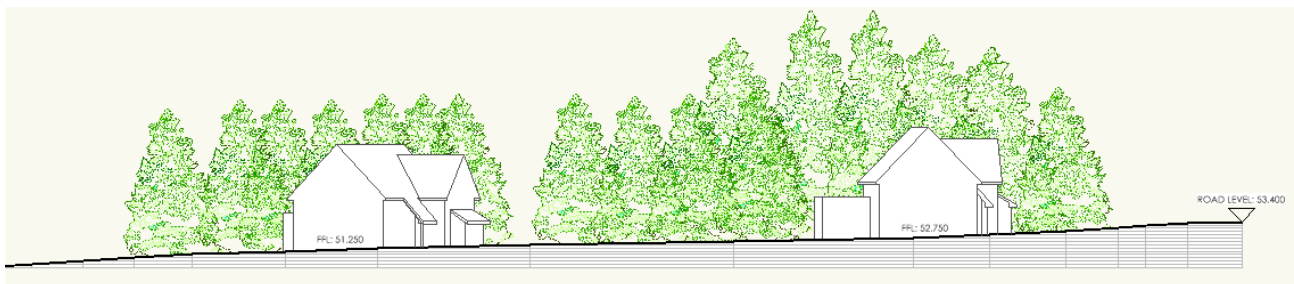


LOCAL REVIEW BOARD

STATEMENT OF APPEAL

*ERECT 2 DWELLINGHOUSES WITHIN GROUNDS OF
TORRISTON HOUSE, PLUSCARDEN, ELGIN*



May 2018

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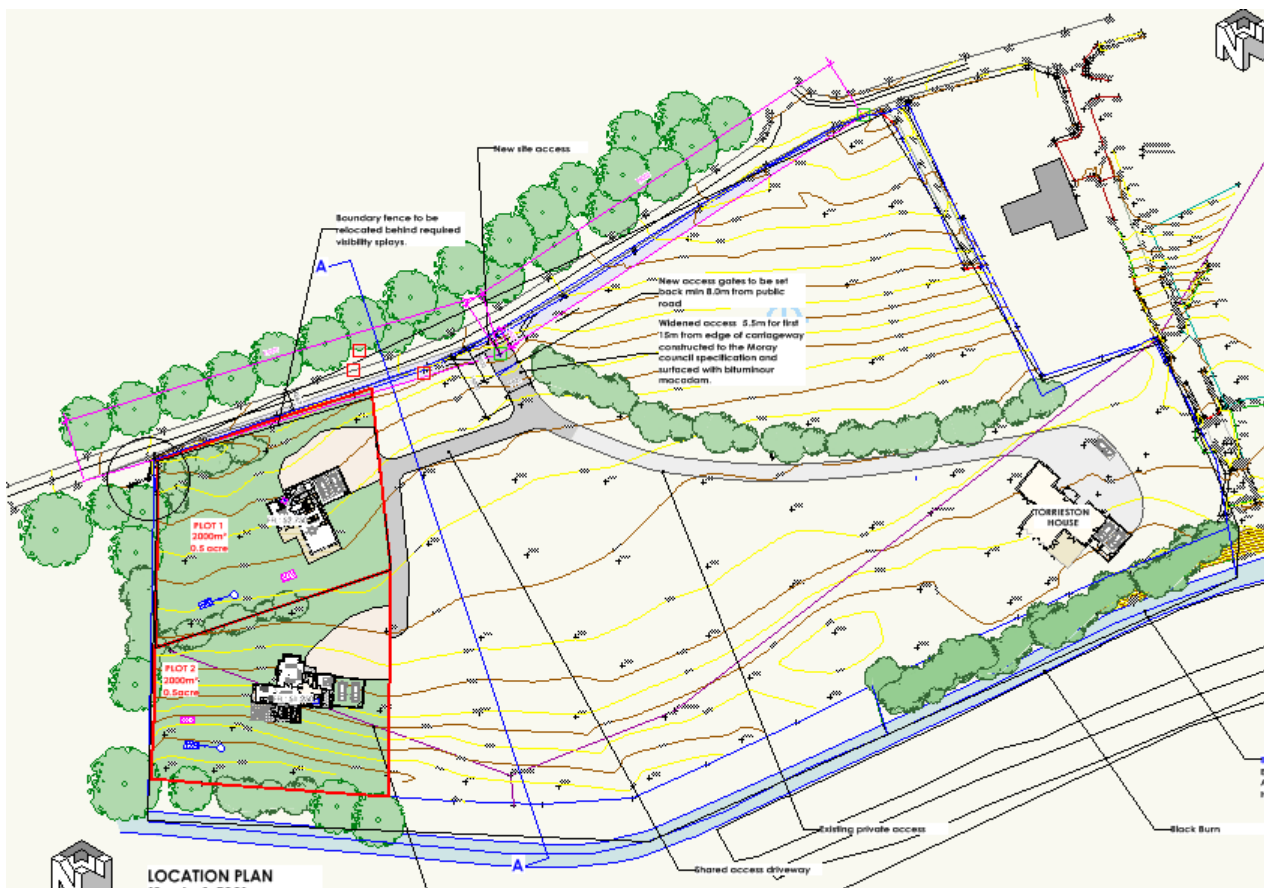
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Our Reference:	180005.CROCKART
Local Authority:	The Moray Council
Planning Application Ref:	18/00246/APP
Application Proposal:	Erect 2no dwellinghouses
Site Address:	within grounds of Torriston House, Pluscarden, Elgin
Appellants:	Ms Karen Gosling-Crockart
Date Application Validated:	26 th February 2018
Council Decision Notice Date:	16 th April 2018
Reason for Refusal:	<p><i>“The proposal is contrary to Policies IMP1 and H7 for the following reasons:</i></p> <p><i>The site is part of a large open meadow and would be a visually intrusive roadside development. It would be a ribbon form of development diminishing the open separation of houses along the public road.</i></p> <p><i>The new houses would not be integrated in the landscape and would contribute to a build up housing such that the open rural character of the Pluscarden valley setting would be diminished”</i></p>
Application Drawings & Supporting Documents:	<ul style="list-style-type: none"> • CMD Doc 001 – Moray Council Refusal Documents • CMD Doc 002 – Case Officer Handling Report • CMD Doc 003 – 180005.CROCKART.01PP (B) – Site Plan • CMD Doc 004 – 180005.CROCKART.02PP – Housetype Plot 1 • CMD Doc 005 – 180005.CROCKART.03PP – Housetype Plot 2 • CMD Doc 006 – 180005.CROCKART.04PP – Location Plan • CMD Doc 007 – Copy of MLPR Main Issues Report for Torriston

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1. Introduction

1.1 The following Statement of Case, submitted by **CM Design Town Planning & Architectural Consultants**, has been prepared to support a Local Review Board submission relating to :

Erect 2 new houses - upon land formally recommended for development by Council Officers in the current Local Development Plan Review

1.2 Prior to the application referred to in this case being lodged with council, the site in question was put forward for development in the current Local Development Plan by of the “call for sites” process (Council reference LDP2020_BID_TO01)

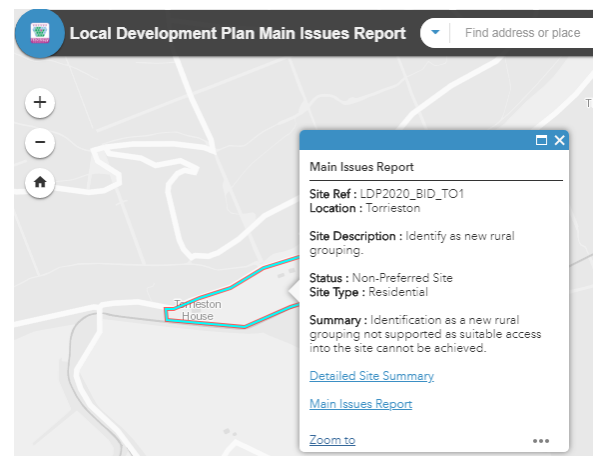
1.3 The submission by council (not by the appellant) for 2-3 new house sites was not carried forward due to rumoured concerns over vehicular access (See Doc No 007).

1.4 We can confirm that there are no access issues at this site.

1.5 In the midst of this Review statement, the appellant wishes to demonstrate that -

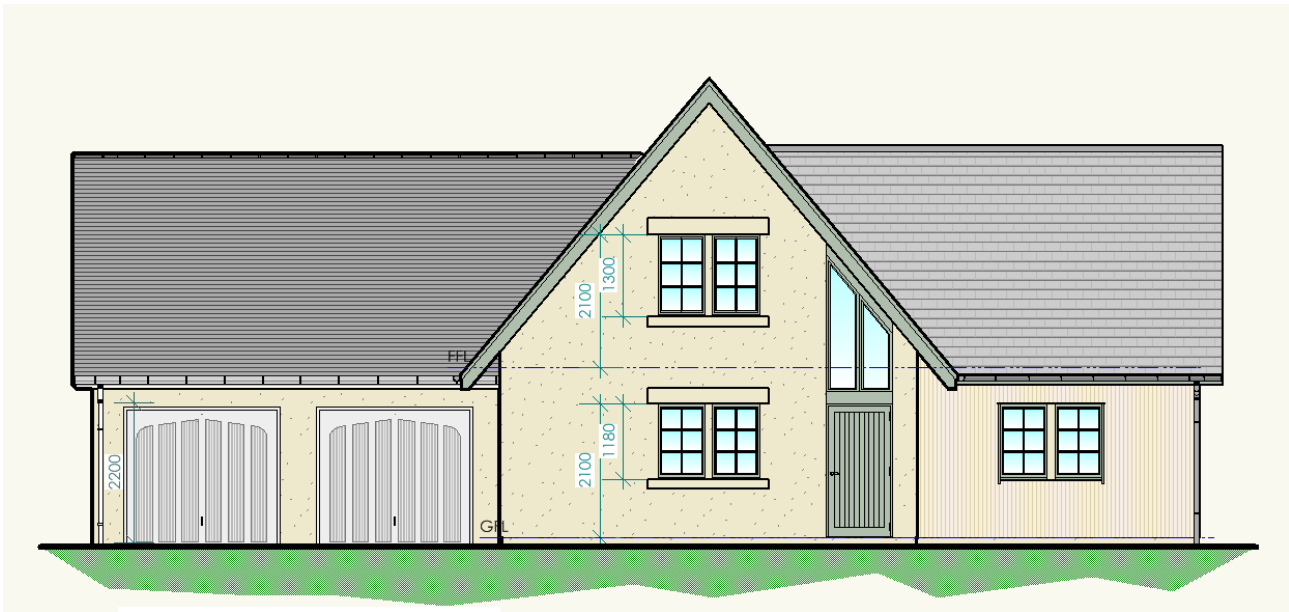
- Certain material considerations exist that might assist this case.
- This application could be deemed to **totally satisfy** the principle Policies that would permit approval under **IMP1 and H7** - see Section 4 – Policy Compliance
- Any issues previously raised with regard to **vehicular access have been dismissed**
- Whilst the site remains suitable for wholesale development as a rural grouping (as suggested by council in the MLDR process) this application for only two houses serves to demonstrate its suitability for future Local Plan Reviews.
- SEPA have **approved** of the proposals in terms of flood management.
- The Transportation Department have **no objection** to the proposals.
- Previous LRB cases have supported development of this type – See Section on Planning Precedent.

1.6 Only 4 written representations were received in the midst of the application process and generally related to; traffic hazard (dismissed), Impact on rural setting, drainage issues (dismissed), loss of privacy (dismissed), natural environment (dismissed), Loss of view (dismissed).



1.7 Whilst the worth and principle of precedent is understood, this report will also look at similar applications for sites that have been approved with significantly less merit in terms of setting, screening and backdrop.

1.8 This application represents an opportunity to contribute to Morays' need for more housing, in an area that has already been deemed to be appropriate by the Moray Local Development Plan Review process and in an area that is popular and likely to be developed quickly.

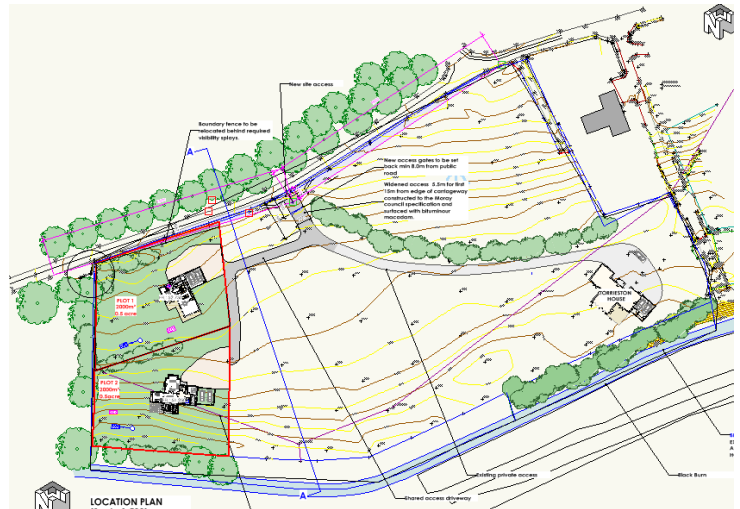


2. Background.

2.1 The appellant owns the parcel of land at Torrieston House which itself extends to circa 2.3ha.

2.2 The wider cluster of 3 houses at Torrieston occupies a similar size of land to the East and all within significant treeline on all sides.

2.3 The appellant is a business woman and local designer who wishes to develop and landscape the land at Torrieston in a tasteful and attractive way that will add value to the journey through Pluscarden Valley.



- extract of site plan

2.4 The release of 2 new house sites will release the required capital required to realise the vision for the extensive landscaping and management of what is, at the moment, an non-landscaped and unmanageable area of garden ground.

2.5 The access road shown on the site plan above is already established, as is the access and visibility splay required.

2.6 The sites are afforded considerable backdrop by the trees to the West, South and North and can be screened further if required.



Pic 1 - site view approach from East

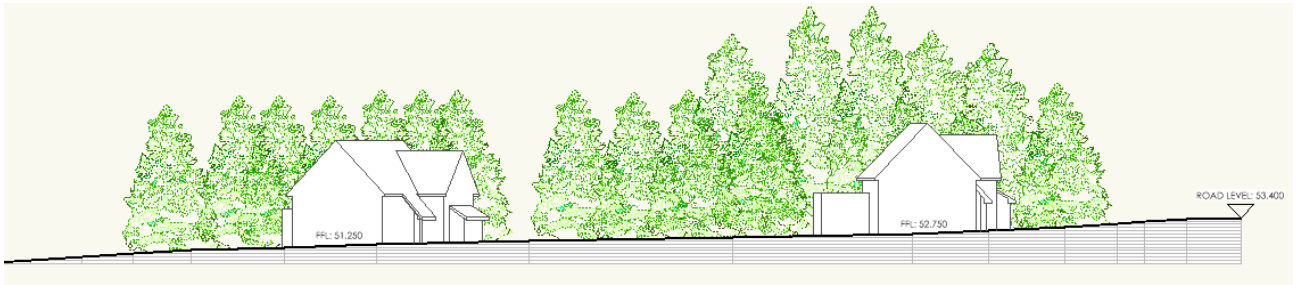


Pic 2 - site view looking south



Pic 3 - site invisible from west

2.7 The topography of the site allows for the two proposed houses to sit below the only vehicular route that passes the site. (see pic below).



wireframe view of site section and slope

2.8 The two proposed sites **might only be seen for an instant** by traffic approaching from the East and cannot be seen from any other pedestrian or vehicular vantage point.

2.9 The site is of a scale that can easily accommodate 2 small house sites of this type and enjoys several landscape features that further assist the suitability for development of this scale.

3. Statement of Case

3.1 Section 25 of the Town and Country Planning (Scotland) 1997 Act (as amended) requires that planning applications be determined in accordance with the development plan **unless material considerations require otherwise**.

3.2 Moreover, it should be recognised that the **principle** of the current local development plan is to **guide** development decisions across Moray but **not to preclude** focussed and local decision making which better informs localised development at any given point in time.

3.3 The current Development plan requires that – “*In determining planning applications, the Council will apply appropriate weight to all of the issues and material considerations before reaching a decision*” - **There are material considerations** in this case that might allow for full compliance to be agreed or at least a departure from Policy to be permitted.

3.4 It is a fact that there is a need for additional housing in Moray and this was recognised in the MLDP Review documents - see extract below of Main Issues Report – which **seeks to use the site at Torrieston** to serve that housing need.

Planning Assessment	
Planning Conclusion	The bid proposes development on a site where there is an existing cluster of houses. The surrounding area has been identified as an area where there is a high demand for housing in the open countryside. As part of reviewing the rural housing policy, opportunities for development in existing groupings and clusters have been looked at to offer potential development opportunities.

extract of Main Issues Report re Torrieston

3.5 The opportunity within the MLDP Review process, to address the access issue that hindered the councils' own submission has now passed but we contend that the original submission by council in respect of Torrieston should be considered to be a **significant material consideration** in this case

3.6 The appellant believes several material considerations exist that might allow a Local Review Board to support this application or a departure from Policy in this unique case.

- The application site was suggested for development and a housing designation by Moray Council in the MLDP process
- The issue that hindered its progress in that process has now been overcome and dismissed by the Roads Department
- The criteria for compliance with Policy H7 exists in this case.
- Other LRB decisions to approve applications under similar circumstances might assist this case.

2. Vision for Moray

- 2.1 Sustainable economic development is a key objective for both the Scottish Government and Moray Council. The economic and employment benefits of business and industrial growth should be a material consideration in any development proposals.
- 2.2 The Vision for Moray is strongly based on that of the Moray Economic Strategy.
- 2.3 It seeks to have:
- A growing population, which retains more of its younger people and attracts new residents to the area.
 - A broad business base with stable, well paid employment; a focus on high quality jobs in engineering; science and technology; growth of established tourism, food, drink sectors.
 - Sufficient housing land to meet the Housing Need and Demand Assessment, that will facilitate the provision of affordable housing, and to ensure high quality residential developments.

4. Policy Compliance

4.1 Two Policies are listed by the Case Officer for consideration and the appellant responds to each as follows.

4.2. **Policy IMP1** – is a collective summary of the intent of other more specific Policies such as H7, described later in this report. The appellant **can comply with each and every one** of the policy criteria, as follows.

In looking at each sub-paragraph of this policy in detail, the appellant would like to respond as follows

- a) **Scale, density and character** – Notwithstanding that fact that the councils' own MLDP submission suggested developing the entire parcel of land, this application proposes to tuck the house sites into the west end of the site, along a substantial tree line and following the downward slope of the site.
- b) **Landscape integration** – The house designs seek to reflect the scale and style of traditional and contemporary houses that exist in the area and proposed landscaping will serve to integrate the sites further still.
- c) **Access** – It has been proven and the transport department have accepted and approved that the site can be safely accessed.
- d) **Water and drainage** – SEPA have approved of the proposals
- e) **Renewable energy** – Current Building Standards will inevitably require a significant degree of low carbon/zero carbon technologies to enable compliance.
- f) **Open Space** – whilst there will not be a requirement on a small scale development like this, to provide open spaces, there will be plenty available by default and by virtue of the design intentions of the appellant for the entire site.
- g) **Landscape maintenance** – the site is currently a large and unwieldy garden ground which is unmanageable by the appellant. Developing a mere two sites will release the required capital to enable a programme of planting, maintenance and landscaping that will benefit Pluscarden Valley.
- h) **Conservation** – the land in question is of no agricultural merit and will be enhanced by development of this type.
- i) **Flooding** – the risk of flooding has been dismissed and approved by the Local Flood Management team
- j) **Pollution** – again this issue has been dismissed by SEPA who approve of the proposals. The detailed management of foul water will be addressed within any inevitable Building Warrant application.
- k) **Contamination** – this has been dismissed in the midst of the initial Planning Application
- l) **Agricultural purposes** – this proposal does not threaten or sterilise any workable reserves of mineral of prime agricultural land

m) **Waste management** – this will be dealt with in the midst of any Building Warrant Process

4.3. **Conclusion** – It can be seen from taking each of the paragraphs of IMP1, that this application can be seen to comply in general terms. It is therefore perhaps more interesting to examine the application's merits against the remaining grounds for refusal - **Policy H7**

4.4 **Policy H7** – is the specific Policy for assessing new housing in the countryside. This policy “..assumes in favour..” of new houses in the countryside providing all of the four stated criteria are met.

4.5 The four areas of criteria can be read on the adjacent extract of Policy.

4.6 The appellants proposal could be seen to comply fully with each paragraph detailed in the extract of H7 as seen on the attached pic and as follows -

a) Response - The pattern of settlement around Moray and more specifically on the Pluscarden Valley is very similar to what is being proposed. Small groupings of houses in one's and two's, nestled into treelines and often within large unmanageable rural garden grounds.

This site is NOT clearly visible in the landscape (as warned against in this paragraph) and can only be seen for a few hundred yards by drivers approaching from the East and is significantly screened from the North, West and South.

The sites are the exact opposite of everything that this paragraph warns against (ie the sites are not elevated, not on the skyline, not in an open setting etc)

Summary – this particular paragraph does not offer any **significant issues** of non-compliance that would justify refusal

b) Response – The proposals certainly do not represent any form of ribbon development and, whilst the application could possibly be justified as an “acceptable expansion of an existing housing group”, the sites actually rest on their own merit as an acceptable development of a portion of a very large garden ground without any impact upon existing properties or the character of the area.

The proposals leave sufficient land between neighbouring houses to negate the risk or appearance of ribbon development and furthermore, the 2 house arrangement carries the development into the garden ground rather than extending development along the carriageway.

Policy H7 New Housing in the Open Countryside

This policy assumes in favour of an application for a new house in the open countryside provided all of the following requirements are met:

Siting

- a) It reflects the traditional pattern of settlement in the locality and is sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field) will not be acceptable;
- b) It does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development;
- c) It does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and,
- d) At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways).

extract of Policy H7

Justification

The Plan aims to allow housing in the open countryside that can be easily absorbed into the landscape. New development should be low impact and reflect the character of the surrounding area in terms of the traditional pattern of settlement and the scale and design of housing. The introduction of suburban layouts and house styles and the incremental build up of new houses have the potential to alter the rural character and detrimentally impact on the area's high quality rural environment.

Proposals that add to an existing grouping, such as an established re-use or rehabilitation scheme, will be more satisfactorily integrated where they connect through built form, layout and landscape features. Development that adds to an existing suburban layout should be avoided. Infill development along a road or landscape feature may be appropriate where this does not detract from the character or setting of existing houses. Innovative modern design and energy efficiency measures are encouraged to promote sustainable development.

Summary – this paragraph seeks to avoid unacceptable “build up” or “ribbon development” of which this proposal is neither. The garden ground at Torrieston House is significant and the development can co-exist with neighbouring houses without any impact upon these households whatsoever.

c) Response – Current Planning Policy in Moray has designated several areas of the county as being at risk of over development. **The Pluscarden Valley is not one of them.** In fact, the councils’ own suggestion that the entire site at Torrieston should be designated for housing in the emerging Local Plan would further demonstrate that there is capacity and demand for new houses in this area.

Summary – this paragraph guards against the character of an area being irreversibly changed by the continual addition of new housing. Again the, fact that council have suggested that Torrieston could contribute to the need for more housing in Moray within the next Local Plan, demonstrates the fact this site is entirely suitable for development as proposed.

d) Response – The sites enjoy the stated criteria of 50% of its boundaries being established. These boundaries are not merely fence lines but significant and mature treelines that provide screening and context.

Summary – This particular paragraph is very clear and not subject to opinion. The need for 50% boundaries are a matter of fact and this site complies fully.

4.7. **H7 Conclusion** – Whilst the concern that an area could be at risk of over development is understood, it can be clearly seen that this proposal complies with each of the paragraphs described above. Whilst 3 out of the 4 criteria could be at risk of different subjective opinions, it should be reiterated that Moray Council actually suggested that this land be developed in the current Local Plan review process, demonstrating its suitability and capacity.

This application can therefore be deemed to satisfy Policy H7 in every way

5. Planning Precedent

5.1 Whilst it is fully understood that each application must be examined on its own merits, there are Planning Applications and LRB cases which might offer examples of similar circumstances that might contribute helpfully in this case.

5.2 One such case is LR184 of 2017 (Planning Application Ref No – 17/00358/APP) for a new house East of Westbank Farmhouse, Roseisle – as seen below.



5.3 This case refers to an application for development in the corner of an open agricultural field (not garden ground as in the appellants case) was also initially refused under **Policies IMP1 and H7**.

5.4 The site itself can be seen from all directions and from across vast portions of open farmland as can be seen from the following photographs.



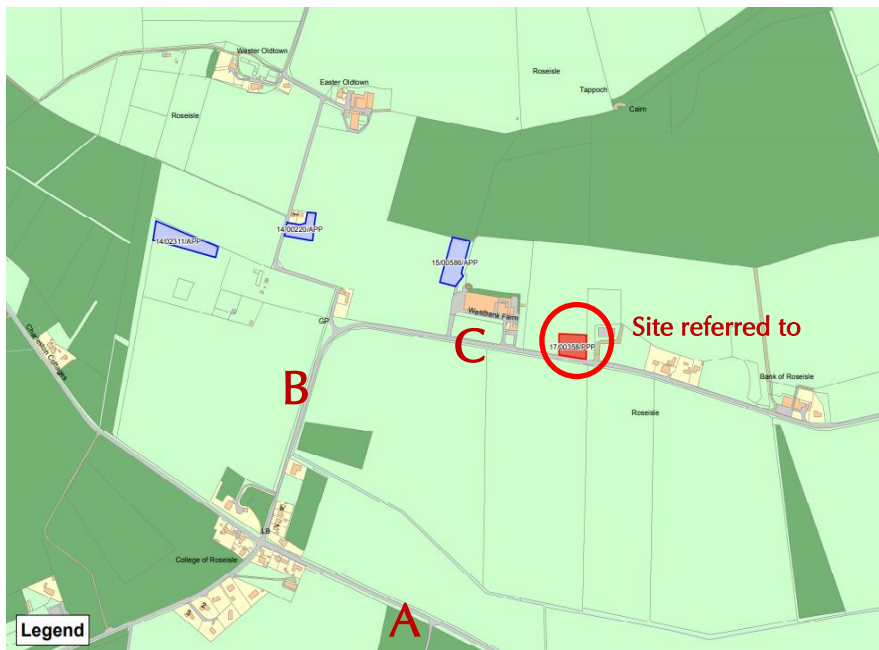
Pic 4 - view from A on map



Pic 5 - view from B on map



Pic 6 - view from C on map



5.5 It is not the intention of this Supporting Statement to in any way criticise the decision to approve a new house at Roseisle but would suggest that the circumstances of the case offer some similarities in which perhaps, our appellants case could be seen in an even greater light.

5.6 If it were deemed appropriate to approve the development in Roseisle, when it did not enjoy a significant backdrop of trees, suffered an elevated site and could be seen for many many miles around, then it is hoped that the appellants application could be supported for reasons of similar merit.

5.7 The appellants site cannot be seen from anywhere apart from the 100m or so approach road, the sites sit lower than road and the houses will be dwarfed by the significant treeline to the rear and sides.

5.8 In summary, the appellants' application offers more mitigating circumstances and material considerations than the above historical case and could, in all fairness, be granted similar benefit.

6. CONCLUSION

6.1 This statement of case has demonstrated

- That the proposals **fully comply** with the umbrella **Policy IMP1** in general terms
- That the proposals **fully comply** with the specific criteria of **Policy H7**.
- That **material considerations** exist that would allow for a departure from Policy, if required.
- That support for the development of Torrieston for housing was demonstrated within the current Moray Local Plan Review and that the issues that hindered its progress in that process have been dismissed.
- That there is an opportunity to contribute to the overall housing needs of Moray and offer that opportunity in an area that is popular and has capacity to be developed quickly.
- That the issues raised by the written representations have been dismissed.
- That previous LRB cases offer helpful insight and support for this particular case.

6.2 It is respectfully requested that consideration be given to **upholding this Review**

C.J.S Mackay
Principle Designer & Planning Consultant
CM Design